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Class 533

Book P27

A
BRIEF INQUIRY
INTO
SOME OF THE OBJECTIONS
URGED
AGAINST THE ELECTION
OF
ANDREW JACKSON
TO THE
OFFICE
OF
PRESIDENT OF THE UNITED STATES.

SUSTAINED BY
OFFICIAL DOCUMENTS.

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INTRODUCTION.

FELLOW-CITIZENS,

General Andrew Jackson having been presented as a candidate for the Presidency, it is becoming a free, educated, and thinking people, to inquire into his qualifications. Many powerful and alarming objections have been raised against the propriety of intrusting a mere soldier with the control of the nation as its Chief Magistrate—an office requiring peculiar talents, and long experience, prudence and wisdom. Some of these objections it is the object of these pages to unfold and support, by such documents and arguments as are deemed unanswerable, and must produce conviction in every unprejudiced and patriotic mind. It has not been attempted to even refer to most or all that has been objected to the character of General Jackson, showing his utter incapacity to fill the office of President with honour and safety to the country. A volume would not suffice for such a task. But it is thought that he who will dispassionately read what is here put down, every word of which is believed to be sacred truth, must be alarmed at the progress of a military spirit in our country, which is striving to render the civil power subordinate to the military, by placing in an office

hitherto filled by peaceful and experienced sages, a military chieftain, possessing no single qualification for the high and responsible station. Let us be warned by the fate of the ancient republics, and learn to suppress in its infancy every tendency to military despotism ; and let us regard, as unwise and perilous, in the last degree, the attempt to put at the head of our government, a man who was never known to govern himself, and whose whole career, in private life, has been, until within a few years, a scene of disgraceful riot and murderous outrage, and whose public ministrations have been at the sacrifice of law and the constitution, which he has never failed to trample under foot, when they opposed any barrier to the gratification of his vehement and arbitrary will.

DECLARATION OF OBJECTIONS.

When, in the course of public events, it becomes necessary for one party to oppose the political Chief, who, to the surprise of the nations of the earth, is supported by another, for a dignified and lofty station, for which the fiat of nature and of nature's God disqualifies him—a decent respect for the advancement of their cause requires that they should declare the reasons which impel them to the opposition.

We hold these truths to be self evident—that certain requisites are necessary in a Chief Magistrate; that amongst these, are respect for the laws, knowledge of the constitution, experience in public affairs, and acquaintance with the political and diplomatic history of the country. That the generous and enlightened support of his fellow citizens, is the highest incentive of the Patriot; and that capricious distrust of public servants is as conducive to despotism, as unsuspecting confidence. Prudence, indeed, will dictate that an administration once established, should not be changed for light and transient causes; and accordingly our experience hath shewn, that the nation is more disposed to renew its confidence when merited, than to gratify factious opposition, by quinquennial changes. And when a long course of abuse and denunciation, pursuing invariably the same object, evinces a design to destroy the administration, “though pure as the angels at the right hand of God,” it is the right, it is the duty of its friends, to throw aside all forbearance, and boldly to enquire into the pretensions of the Candidate thus supported. Such has been the infuriated conduct of the opposition, and such is now the necessity, which constrains us to declare, that the history of **ANDREW JACKSON**, is replete with intemperate bursts of passion, arbitrary measures and gross violations of the constitution—all going to show his unfitness for the first office in our government.—To prove this, let facts be submitted to a candid world.

He has in the outset of his military career, refused to obey an order of government directing him to disband his army.

He has carried on war against the Indians in a merciless spirit, and hurled down upon them an undistinguished destruction of all ages, sexes, and conditions.

He has suspended, by military force, the proceedings of a legislative body, for opposing with manly firmness, his invasions on the rights of the people.

He has arrested a Printer for venturing to publish strictures on his high-handed conduct : thus violating the liberty of the press ; a liberty inestimable to us, and formidable to tyrants only.

He has, not only treated with contempt the writ of habeas corpus, but arrested the judge who issued it ; thus rendering the military independent of, and superior to the civil power.

He has, a fortnight after the battle of Orleans, and after peace was made, signed an order for the execution of six militiamen, whose only crime was returning to their homes by advice of their officers, their term of services having expired.

He has after the news of peace was known, ordered the execution of eight regulars, found guilty of desertion ; a waste of human blood, not called for as an example, since they were shot in detail, in a place remote from the army, at which there were not troops sufficient to execute them in a body.

He has made war upon the Spanish nation with whom we were at peace, invaded her territory and captured her towns ; thus usurping a power vested by the constitution in the representatives of the people.

He has insolently told the Governor of Georgia, " you sir, as Governor of the state, have no right to give a military order, whilst I am in the field ;" thus showing his contempt for the most important right " reserved to the states."

He has issued a general order, directing the officers in his military division, to disregard any order of the President which did not come through him.

He has, when the representatives of the people instituted an inquiry into his conduct, manifested the utmost indignation and endeavoured to intimidate them by threats of violence.

He has meditated a personal assault upon a member in his place in the Senate Chamber ; and was prevented from executing it, only by the threat of the noble Decatur to take his life if he made the attempt.

He has, whilst governor of a territory, cited before him a judge, whose sole offence was the issuing, (as was his duty when applied to,) the writ of habeas corpus.

He has in the same capacity, promulgated decrees, illegal and oppressive—declaring at the time, that as governor of Florida, he was invested with all the powers exercised by the captain general of the island of Cuba, powers foreign to our constitution, and unacknowledged by our laws.

He has alleged as an objection to the illustrious Madison's re-election that " as a philosopher he could not look with composure on blood and carnage."

He has, when a commissioner, negotiating with the Indians, stipulated for a grant of land for his own benefit, thus evincing a mercenary disposition to aggrandize himself; which article of the treaty was rejected by the Senate of the United States.

He has, whilst a general in the army of the United States, intruded into the legislature of his own state, and harangued the members on an important question then pending.

He has written numerous electioneering letters—in spite of the sentiment of the lamented Lowndes, which he has affected to adopt.

He has “at his own fire-side” circulated a base slander against the President and the second officer in the cabinet, and is not supported in his statement by the witness whom he summons.

He has, to promote his own views, taken to his bosom a man long his deadliest enemy, and whose life he once murderously attempted.

In every one of these outrages, he has been justified by his adherents; our repeated remonstrances have been answered only by repeated injury. A man whose character is thus marked by every act which may defile a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our fellow freemen. We have warned them from time to time, of the attempt of a combination to extend a military despotism over us. We have reminded them of a Cæsar, a Cromwell and a Napoleon. We have appealed to their native good sense and love of liberty, and we have conjured them, by the ties of our common country, to frown upon a man, whose elevation will inevitably give a death blow to the republic. They will not be deaf to the voice of reason and experience, but acquiesce in our denunciation of his pretensions to civil office, and hold him as we hold the rest of military chieftains—useful in war—in peace dangerous.

We, therefore, the friends of the present administration, of the general government, appealing to the supreme law of the land for the protection of our persons, do in the name and by virtue of those principles, which we have inherited, solemnly publish and declare, that ANDREW JACKSON is, and always will be rash, incompetent and dangerous; and that in a free and republican state, civil virtues, talents and political experience, are, and of right ought to be, preferred to some exclusively military. And for the support of this declaration, with a firm reliance on the good sense of the community, we mutually pledge to each other our votes, our influence and our ceaseless efforts.

INTENT TO MURDER.

The following statement of a dreadful public outrage, with a design to murder his antagonist, by Gen. Jackson, was made at the time by one of the parties T. H. Benton, now an U. S. Senator. It was then made public, and has been repeatedly republished in various parts of the Union, without any denial of its truth from any one. It may therefore be set down as a matter of history, and cannot be controverted.

Merciful God! is such a man fit to be the head of a moral, educated, and free people; a people mindful of law, and whose only hope of happiness and security lies in rendering homage and in forcing obedience to those judicial regulations which Gen. Jackson, when more than fifty years old, set at defiance.

"Franklin, (Tenn.) Sept. 10, 1813.

A difference which had been for some months brewing between Gen. Jackson and myself, produced on Saturday, the 4th inst in the town of Nashville, the most outrageous affray ever produced in a civilized country. In communicating this affair to my friends and fellow citizens, I limit myself to the statement of a few leading facts, the truth of which I am ready to establish by judicial proofs.

1. That myself and brother, Jesse Benton, arriving in Nashville on the morning of the affray, and knowing of Gen. Jackson's threats, went and took our lodgings in a different house from the one in which he staid, on purpose to avoid him.

2. That the General and some of his friends came to the house where we had put up, and commenced the attack by levelling a pistol at me, when I had no weapon drawn, and advancing upon me at a quick pace, without giving me time to draw one.

3. That seeing this, my brother fired upon Gen. Jackson, when he had got within eight or ten feet of me.

4. That four other pistols were fired in quick succession; one by Gen. Jackson at me; two by me at the General; and one by Col. Coffee at me. In the course of this firing Gen. Jackson was brought to the ground, but I received no hurt.

5. That daggers were then drawn. Col. Coffee and Mr. Alexander Donaldson made at me, and gave me five slight wounds. Capt. Hammond and Mr. Stokeley Hays, engaged my brother, who being still weak from the effect of a severe wound he had lately received in a duel, was not able to resist two men. They got him down; and while Capt. Hammond beat him to make him lay still, Mr. Hays attempted to stab him, and wounded him in both arms, as he lay on his back parrying the thrusts with his

naked hands. From this situation a generous hearted citizen of Nashville, Mr. Sumner, relieved him. Before he came to the ground, my brother clapped a pistol to the breast of Mr. Hays, to blow him through, but it missed fire.

6. My own and my brother's pistols carried two balls each; for it was our intention, if driven to arms, to have no child's play. The pistols fired at me were so near, that the blaze of the muzzle of one of them burnt my coat, and the other aimed at my head a little more than arms length from it.

7. Capt. Carroll was to have taken part in the affray, but was absent by the permission of Gen. Jackson, as he has since proved by the General's certificate; a certificate which reflects, I know not, whether less honor upon the General or upon the Captain.

8. This attack was made upon me in the house where the Judge of the District, Mr. Searcy, had his lodgings! so little are the laws and its ministers respected! nor has the civil authority yet taken cognizance of this horrible outrage.

These facts are sufficient to fix the public opinion. For my own part, I think it scandalous that such things should take place at any time; but particularly so at the present moment, when the public service requires the aid of all its citizens. As for the name of courage, God forbid that I should ever attempt to gain it by becoming a bully. Those who know me, know full well that I would give a thousand times more for the reputation of Croghan in defending his post, than I would for the reputations of all the duellists and gladiators that ever appeared upon the face of the earth.

THOMAS HART BENTON,
Lieut. Col. 39th Infantry."

This Mr. Thomas Hart Benton is now the distinguished friend of General Jackson.

THE DUEL, &c.

The murderous details of Gen. Jackson's duel with Mr. Dickenson are of a contradictory character. The particulars, as given by the opponents of Gen. Jackson, are so strongly stamped with a cold blooded design to destroy his antagonist, at all hazards, that to give publicity to them, would be shocking to humanity. The documents in relation to this charge are, therefore, entirely omitted. Even the exculpatory statement, published by his warmest friends, is sufficient to cover him, in the opinion of every humane and good man, with infamy and disgrace, and produced, at the time, that effect upon the great body of the community in which he resided; as evidence of this fact, the newspapers were

put in mourning, and the citizens of Nashville publicly expressed feelings of condolence and regret for the death of Dickenson.

There is another charge against Mr. Jackson, which is also passed by in silence, although all the official documents, as taken from the records of the Court, can easily be had. But the subject is of a character so delicate, and the details so disgusting, and so shocking to the most ordinary notions of modesty, that the pages of this pamphlet are not polluted with a history of them.

IMPRISONMENT OF JUDGE HALL.

Much has been said and published in relation to the gross violation of the Constitution by Gen. Jackson, at New-Orleans long after the treaty of peace had been signed, and the British had retreated from that territory. A very short exposition, therefore, is all that is necessary, and that is presented in the following authenticated documents.

MR. EOUALLIER'S STATEMENT.

"On the 8th of January, 1815, the battle of New-Orleans was fought. On the 21st of January, the American army and its commander left the field of battle, to return to the city of New-Orleans, the first and second regiments of the militia of the city received orders to encamp on Villeré's plantation. It will be easily imagined how painful such an order must have been for those two regiments, which, as a part of the levy, *en masse*, were composed of the greater part of the citizens of New-Orleans, between the ages of eighteen and forty-five years. These militia-men were deeply wounded at being thus deprived of the happiness of returning to the bosom of their families, at the same time that this favour was granted to the battalion of volunteers under the command of Major Plaché, and to that of coloured men, under Major Duquin.

"On the 31st January, Governor Clairborne wrote to General Jackson to apprise him that the militia officers were constantly applying to him for instructions, as to the manner in which they were to dispose of the various detachments then in New-Orleans; it may be inferred from this communication, that the constant coming in of new levies from the country, ever since the 8th of January, had encumbered the city and its vicinity with crowds of soldiers. If this inference be correct, it would follow that the exclusion from the city of the 1st and 2d regiments, whose families were residents in New-Orleans, was intentional on the part of Gen. Jackson, and wholly unnecessary. Did not this useless aggravation of the hardships attendant on military service, justify

the discontent of the French soldiers? On the first appearance of the British army, they had rallied under our banners; they had performed the campaign which had just terminated so gloriously; and now, all ground of apprehension having ceased, in consequence of the retreat of the enemy, they thought it unjust and cruel, that they should thus be detained, without sufficient cause, in the midst of the marshes of Villeré's plantation, a thousand times more deadly than the enemy's fire.

"Incensed by their proceeding, the General ordered these brave men to leave New-Orleans within three days, and not to approach within a distance of 120 miles from it. It was against this act of violence, that, on the 3d March, 1815, I published the following article in the Louisiana Courier :

COMMUNICATION.

Mr. Editor :—To remain silent on the last general orders, directing all the Frenchmen who now reside in New-Orleans, to leave it within three days, and to keep at a distance of 120 miles of it, would be an act of cowardice which ought not to be expected from a citizen of a free country; and when every one laments such an abuse of authority, the press ought to denounce it to the people.

In order to encourage a communication between both countries, the 7th and 8th articles of the treaty of cession, secure to the French who shall come to Louisiana, certain commercial advantages, which they are to enjoy during a term of 12 years, which are not yet expired—at the expiration of that term, they shall be treated in the same manner as the most favoured nation. A peace, which nothing is likely to disturb, uniting both nations, the French have until this moment been treated in the United States with that regard which a great people deserves and requires, even in its reverses, and with that good will which so eminently distinguishes the American Government in its relations with foreign nations. In such circumstances, what can be the motives which have induced the commander in chief of the 7th Military District to issue general orders of so vexatious a nature? When the foreigners of every nation, when the Spaniards, and even the English are suffered to remain unmolested among us, shall the French alone be condemned to ostracism, because they rendered too great services? Had they remained gentle spectators of the last events, could their sentiments towards us be doubted, then we might merely be surprised at the course now followed with regard to them. But how are we to refrain our indignation, when we remember that these very Frenchmen who are to be exiled, have so

powerfully contributed to the preservation of Louisiana, without speaking of the corps who so eminently distinguished themselves, and in which we see a number of Frenchmen, rank either as officers or privates; how can we forget that they were French artillerymen, who directed and served a part of those pieces of cannon which so greatly annoyed the British forces? Can any one flatter himself that so important services could have so soon been forgotten? No, they are engraven in everlasting characters in the hearts of all the inhabitants of Louisiana, and they shall perform a brilliant part in the history of their country; and when those brave men ask no other reward but being permitted peaceably to enjoy among us the rights secured to them by treaties and the laws of America—far from sharing in the sentiments which have dictated the general order, we avail ourselves of this opportunity to give them a public testimony of our gratitude.

Far from us be the idea that there be a single Frenchman, so pusillanimous as to forsake his country merely to please the military commander of this District, and in order to avoid the proscription to which he has chosen to condemn them; we may therefore expect to see them all repair to the Consul of their nation, there to renew the act that binds them to their country; but, in supposing that, yielding to a sentiment of fear, they consent to cease to be French citizens, would they by such an abjuration become American citizens? No, certainly they would not; the man who would be powerful enough to denationalize them, would not be powerful enough to give them a country. It is better, therefore, for a man to remain a faithful Frenchman, than to suffer himself to be scared even by the *martial law*; a law useless when the presence of the foe and honour call us to arms, but which becomes degrading, when their shameful flight suffer us to enjoy a glorious rest, which fear and terror ought not to disturb.

But could it be possible that the constitution and the laws of our country should have left it in the power of the several commanders of military districts to dissolve all at once the ties of friendship which unite America to the nations of Europe? Would it be possible that peace or war could depend upon their caprice, and the friendship or enmity they might entertain for any nation? We do not hesitate in declaring that nothing of the kind exists. The President alone has, by law, the right to adopt, against *alien enemies*, such measures as the state of war may render necessary; and for that purpose he must issue a proclamation; but this is a power which he cannot delegate. It is by virtue of that law and of a proclamation that the subjects of Great Britain were removed from our ports and sea shores. But we do not know any law

authorising General Jackson to apply to *alien friends* a measure which the President of the United States himself has only the right to adopt against *alien enemies*.

Our laws protect strangers who come to settle or reside among us. To the Sovereign alone belongs the right of depriving them of that protection : and all those who know how to appreciate the title of an American citizen, and who are acquainted with their prerogatives, will easily understand that, by the Sovereign, I do, by no means, intend to designate a Major General, or any other military commander, to whom I willingly grant the power of issuing general orders like the one in question, but to whom I deny that of having them executed.

If the last general order has no other object but to inspire in us a salutary fear, if it is only destined to be read, if it is not to be followed by any act of violence, if it is only to be executed by those who may choose to leave the city in order to enjoy the pure air of the country, we shall forget that extraordinary order ; but should any thing else happen, we are of opinion that the tribunals shall, sooner or later, do justice to the victims of that illegal order.

Every alien friend who shall continue to respect the laws, which rule our country, shall continue to be entitled to their protection. Could that general order be applied to us, we should calmly wait until we were forced by violence to execute it ; well convinced of the firmness of the magistrates who are the organs of the laws in this part of the Union, and the guardians of public order.

Let us conclude by saying, that it is high time the laws should resume their empire : that the citizens of this State should return to the full enjoyment of their rights ; that, in acknowledging that we are indebted to General Jackson for the preservation of our city, and the defeat of the British, we do not feel much inclined, through gratitude, to sacrifice any of our privileges, and less than any other, that of expressing our opinion about the acts of his administration ; that it is time the citizens accused of any crime should be rendered to their natural judges, and cease to be brought before special or military tribunals, a kind of institutions held in abhorrence even in absolute Governments ; and that, after having done enough for glory, the moment of moderation has arrived : and finally, that the acts of authority which the invasion of our country and our safety may have rendered necessary, are, since the evacuation of it by the enemy, no longer compatible with our dignity and our oath of making the Constitution respected." He, the said Louaillier, being at the time within the encampment of the said Commanding General ; said encampment having been declared under martial law.

For this publication, the General caused me to be arrested. I directed Mr. Morel, my counsel, to sue out a writ of habeas corpus, which was granted by the Hon. D. A. Hall, Judge of the District Court of the United States.

This arrest, fellow citizens, affords a memorable instance of the evils of the excesses which spring from absolute authority, even when exercised for a limited time of difficulty, and with the best intentions. I am far from suspecting the General's motives in this transaction—yielding to that violence which is natural to his temper, he rushed upon the legislator and upon the judges who dared to oppose him, with the same impetuosity he had displayed against the enemies of his country.

Instead of obeying the order of the Court, the General laid a fearless and sacrilegious hand upon the interpreter of the law.—At the hour when I was to appear before his tribunal, I saw the judge come towards me to share my imprisonment in the same room, and pay with his liberty for the noble independence with which he had acted.

Mr. Dick, the District Attorney, was likewise arrested for having attempted to liberate Judge Hall, by suing out a writ of habeas corpus; and an order was issued to arrest Judge Lewis, who had granted that writ.

I was then carried before a Court Martial to be tried for my life. Had I acknowledged its jurisdiction, it would have amounted to a surrender into the hands of a military chieftain in the service of the United States, of the independence and sovereignty guaranteed to the State of Louisiana by the inviolable compact which binds her to her sister States. I therefore observed to the Court that my detention was illegal, since General Jackson, who had given orders to arrest me, had not obeyed the writ of habeas corpus, which had been served on him by the District Court. I represented further, that being a member of the Legislature, I stood beyond the reach of martial law, and that I had a right to claim a trial by jury.

Our laws have wisely enacted, that whenever, in the moment of public danger, all the citizens capable of bearing arms, between the ages of 18 and 45, should be placed at the disposal of a Commander in Chief, this general levy should be subjected to the Military Code of the United States; but whoever dares to pass beyond these legal barriers, by bringing before a Court Martial a citizen exempt, by law, from doing military duty, by refusing to surrender him to the civil authority when so required, or by depriving him of the trial by jury, renders himself guilty of a violation of the right of individual liberty; of an abuse of power; and, in the case of capital punishment, guilty of an odious assassination.

Notwithstanding these objections, the Court declared itself incompetent, and then I declined taking any part in the proceedings; I remained silent, as well as my counsel; summoned no witness to prove my innocence; and yet I was acquitted.

The General in chief declined sanctioning the sentence of the Court. By assembling another Court Martial, or which would have been better still, by surrendering me to the civil tribunals, he would have fulfilled his duty towards his country; he would have been just towards me; a solemn sentence pronounced by these tribunals would either have condemned a traitor, or restored a citizen to the State. He preferred keeping me under arrest until the beginning of April: then martial law expired, a general pardon for all military offences was published, the doors of my prison were opened.

My first act after my restoration to freedom, was to protest in the public journals against the amnesty by which they had sought to brand me as a criminal.

I repeat it, in the beginning of March, for this publication alone I was summoned before a Court Martial; and no proofs, no testimony whatsoever were produced to give a character of criminality to it. I assert it to be beyond the power of my accusers to sustain their accusation by any other proof, than my essay of the 3d of March. While before the Court Martial no censure of my *conduct anterior* to that period, was hinted at; and as General Jackson, after his anger had subsided, could not have concealed it from himself that the extraordinary occurrences which his fellow-citizens would, one day, require him to account for, it must, therefore, have been his earnest wish that his conduct should be justified by my condemnation; and since he was reduced, in sustaining his monstrous accusation, to the only evidence contained in my essay, is it not clear that this constituted the only charge he could bring against me?

In order that the nation may rightly understand my claims to the protection of the laws of my country, against Military Despotism, I give the following most authentic documents, which tend to exhibit my conduct during the invasion.

1st. The last paragraph but one of an *extra*, published by *authority*, on the 15th January, 1815, in which honorable mention is made of me. Every body knows that on the 15th January all authority was exclusively concentrated in the person of Gen. Jackson.

EXTRACT.

“The wounded prisoners who fill our hospitals, are treated with the utmost care and attention; mattresses and blankets were, the very night of their arrival in town, provided by con-

tribution from the inhabitants. Mr. Louallier, member of the House of Representatives, from the Opelousas, has, on this occasion, shewn a zeal and philanthropy that does him the highest honor.

2d. An extract from the Historical Memoirs of the war of 1814 and 1815, by Major A. Lacarriere Latour, page 141.— This esteemed production being a monument erected to the glory of General Jackson, the testimony of its author cannot be questioned.

3d. An extract from a resolution of the Legislature of the State of Louisiana, of the 2d February, 1815. The Generals who signalized themselves under the command of Gen. Jackson have duly appreciated the expression of public gratitude conveyed to them by this resolution; the honorable mention it made of me filled my heart with grateful feelings; and is at this day of inestimable value to me, since it affords me the means of proving my innocence."

Extract from the Resolution of the Legislature of the State of Louisiana, of the 2d of Feb. 1814.

"A Committee named by the same veterans abovementioned whose patriotism was not merely confined to the performance of the military duties they had willingly submitted to, (on which Committee they had appointed Messrs. Fartier, Sen. Th. Soulie, and Mr. Loutillier, a member of the House of Representatives) was affording relief to the sick and wounded, with an indefatigable zeal; procuring subscriptions for the purchase of clothing, intended for our fellow-soldiers, who had left their homes, unprovided for a winter campaign. A sum exceeding fourteen thousand dollars was actually laid out for that laudable object, including in it the appropriation of six thousand dollars made by the Legislature.

Every member on that Committee deserves the highest praise, for their perseverance and assiduity in fulfilling their task.

A statement of my conduct during the session of 1814 and 1815 will I hope completely annihilate this odious accusation.

At a very early day of the session, on the 22d November, 1814, I moved, in the name of the Committee of Ways and Means, an appropriation of \$ 65,000 for the fortifications necessary for the defence of Lower Louisiana.

On the 14th December, I proposed in the name of a joint committee, to place \$ 6000 at the disposal of Commodore Patterson, with a view to an increase of \$24 to the premium allowed to each seamen entering the service of the United States.

On the same day, in consequence of a report made by me, an embargo was laid upon all vessels and crafts, lying in the port of New Orleans and its vicinity.

Having had occasion to witness the humane treatment extended to the militiamen of the neighbouring States, by the Hospital of Charity, I obtained from the Legislature, on the 20th January, a sum of \$2000 for the benefit of that institution.

On the 23d of the same month, on a motion made by me, a committee was instructed to report a bill for the relief of wounded militiamen, and of the widows and orphans of those who had been killed during the campaign.

On the 3d February, I presented to the House a petition of Colonel Fortier, and Majors Daquin and Lacoste, requesting that provision might be made for the relief of the orphan children of several coloured men killed in the service. I obtained leave to introduce a bill for that object, which was passed, and approved by the Senate, on the following day.

On the 6th February, last day of the session, a bill for the relief of the brave Charles Savary and others, was likewise passed, on a report made by me. By a section of this bill, a pension was granted to the *natural children* of the late Dompierre, a free coloured man, killed in the service of the State. This section was rejected by the House; but the members who had voted against it, on principle, opened forthwith a subscription for their relief.

The last hours of the session were consumed in rewarding valour, and in providing for the support of orphans.

I will add, that I was a member of the Joint Committee to whom was referred the message of Governor Claiborne, recommending the suspension of the writ of habeas corpus, which, on a report made by me, the House of Representatives, at its sitting of the 14th December, had refused to grant. The Senate concurred in this refusal.

The Legislature of Louisiana had observed that all the men capable of bearing arms, citizens, foreigners, sailors, Barrataria pirates, all, without exception, had rallied around him; and thought that the voice of the country in danger, and not fear, should call her children to the field. The event justified the favourable opinion which the Legislature had formed of the inhabitants of Louisiana.

I will state in this place that Judge Hall, and the Marshal of the United States, had, some time before the invasion, at the instance of General Jackson, granted a safe conduct to Mr. J. Lafitte, leader of the Barrataria pirates. This fact proves that the American Magistracy knows how to co-operate in the defence of their country, in times of public danger.

I will now inquire into, I will not say the necessity, but whether there was any, the slightest cause, for the imprisonment of Judge

Hall—for the arrest of Mr. Dick, the District Attorney—for depriving me of a trial by my natural judges—for the expulsion from the City of the Chevalier de Thousard, the companion of Lafayette, and a soldier crippled in the service of the United States?

What were the circumstances under which the General resorted to these measures of extreme severity? What was, on the 3d of March, our situation in relation to the British Army? In order to answer these questions, and to form a proper estimate of the degree of injury which was likely to flow from my publication of the 3d March, it is necessary to remember that it made its appearance forty-one days after General Jackson and his Army had left the field of battle, and returned to New-Orleans; forty-three days after the British Army had left Louisiana; twenty days after the capitulation of Fort Bowyer. The capture of this fort was the last act of hostility committed by the British forces, Admiral Cochrane having, on the following day, received intelligence through a Bulletin received from Jamaica, that a treaty of peace had been signed at Ghent on the 24th December. And by turning to page 225 of the Historical Memoirs, we are informed that, immediately after the capitulation of the fort, General Lambert and Admiral Cochrane, expecting every moment the ratification of the treaty by the President and Senate of the United States, began the necessary preparations for the embarkation of the British troops.

My publication appeared in the Courier twenty-one days after Colonel Livingston, on his return from the British fleet, had announced to the General the arrival of the sloop of war Brazen, bringing intelligence of the signing of the preliminaries of peace.

And lastly, this publication, this *subverter of the discipline of the Army*, appeared in the newspaper fifty-three days after General Jackson had written to the Secretary of War, that, in his opinion, Louisiana might be considered as freed from her enemies. During these fifty-three days, if we except the surrender of Fort Bowyer, no engagement took place between the British and American forces.

These incontestible facts are proved by authentic documents: and yet amid these circumstances, at a period so remote from all danger, real or apparent, when the British Generals had no other desire than hastening the departure of their troops; when it was the duty of the American General to dismiss his army, he unhesitatingly devoted a defenceless citizen to capital punishment, for having dared to utter his sentiments in a public journal. The representations of a citizen of the United States—his errors, per-

haps, if the General will have it so, were branded with the names of *mutiny*, *sedition*, and called the criminal correspondence of a spy with the enemy.

Would a traitor have waited until the 3d March to begin a correspondence with the enemy, and through the channel of a newspaper? Would he have waited until peace was made, and known, if not officially proclaimed, to excite mutiny in the ranks of the American Army? If the General thought me capable of such an act of folly, what sentiments but those of pity and contempt could my conduct have excited in his breast? Might it not with some reason be doubted, whether such an accusation could with any degree of seriousness, have been made against me.

The exposition of my conduct during the invasion, ought to be a sufficient refutation of Gen. Jackson's communication of the 4th April, 1815; nevertheless, it is my duty to answer the charge of "*not having belonged to any military corps*," by simply stating that I was a member of the Legislature, and that free as I was to choose my station, I selected that where I thought I might render myself most useful. From the 23d December, until the return of the American army to the city of New-Orleans, I devoted every night to assist the Military Commandant, Gaspard Dubuys, in walking the rounds. During the day I attended the Military Council, of which I was a member, as well as Mr. Fulwar Skipwith, the President of the Senate. I presided over the committee appointed to supply the militiamen with clothing; and to provide every thing that might be wanting in the hospitals. The note in the historical Memoirs which I have before cited, will bear testimony to the usefulness, and to the extent of the labours of this committee.

From the 23d December to the 28th January, the engagements which I had created to myself, prevented my attendance at the sittings of the House of Representatives: nevertheless, when, on the 28th December, its Hall was invaded by an armed force, the honour of the State, its threatened independence, called me to the City Hall, where I joined my colleagues who had been dispersed by the military authority.

After the return of the American army to New-Orleans, I took a part in the deliberations of the Legislature, until the 6th Feb. when it adjourned *sine die*; and from this moment down to the day of my imprisonment, I did what all the military who had returned to the city were permitted to do, and what the General himself should have done—I rested.

I now come to the imprisonment of Judge Hall. To justify it, this upright, irreproachable Magistrate has been represented as

granting the protection of the laws to a spy and a traitor. The public, to whom all the documents concerning this transaction are submitted, will decide whether Judges Hall and Lewis could, without a culpable neglect of duty, nay, without bringing dishonour on themselves, refuse to grant the writs which caused their imprisonment.

Judge Hall having answered General Jackson in the following remarks, I publish them as the best explanation of his conduct.

We refrained, during its pendency, from noticing a judicial proceeding on the part of the United States, against Major General Andrew Jackson, which excited much interest, and which terminated last week. We now lay before our readers, as accurately as we can, the transactions of the last day, and the result. We confine ourselves to this portion of the proceedings, as we are not fully informed of the others, and as we understand a detailed and regular report of the whole will be prepared for the press. At the commencement of the proceedings, Mr. Livingston and Mr. Duncan acted as counsel for General Jackson, but stated, in the progress, that the General was represented solely by Major Reid, his Aid-de-Camp.—The proceedings on the part of the United States, were conducted by Mr. Dick, District Attorney, Mr. Masaran, Attorney General of the State, and Mr. Tully Robinson.

An attachment having been issued against Major General Jackson, for certain contempts alleged, in certain affidavits, to have been committed by him, he appeared on Friday, the 31st of March, before the District Court of the United States, for the Louisiana District, and being informed that interrogatories were filed to which he might answer, he declined doing so, and stated that he had been deprived of his right of defence on the rule to show cause. The Court informed the General that that point had been decided, and if he declined answering the interrogatories, the Court must proceed to pass judgment. The General still declined answering. The Court then addressed the General, saying, that it appeared from the affidavits, that, on Sunday, the 5th instant, a petition had been presented on the part of Louis Louallier, who had, it was alleged, been imprisoned by his (the General's) order, praying that a writ of habeas corpus might issue; that, accordingly, an order was made on the original petition, that a writ issue, returnable the next day at 11 o'clock; that he had received a letter from Mr. Morel, the petitioner's counsel, informing him of the order that had been made. The Judge here stated that he had suggested this mode of communication to Mr. Morel, from the respect he had for the station and character of the General. The Court further observed, that it appeared in evidence, that he had on Sunday evening, sent the Deputy Adjutant General to the Clerk of the District Court, directing him to produce the original order made by the Judge, in the case of Louis Louallier, to which the Clerk objected, stating that it was not permitted to deliver up any original paper; that the Clerk went with the Deputy Adjutant General to head-quarters, where he was asked by the General if he intended to issue the writ; he answered it was his duty to do so, on which the General either handed or showed his general order, and observed that that would show him that he would do his duty also. The Judge's order was written on the back of the original petition; it was then asked for by the General, and delivered by the Clerk; the General saying that he would keep the paper in his possession on his own responsibility; notwith-

standing the Clerk remonstrated against his retaining the paper, the General withheld it from him, and observed, that this was his camp, and that no person should be over him in it. The Court further remarked, that it appears in evidence, that, on the evening of the 5th inst. the General informed the Marshal that he had imprisoned the Judge ; that on the Marshal's saying to him that he supposed it would save him the trouble of serving the writ, the General replied that he would treat every person in the same way, who might meddle with his camp ; that so long as martial law continued, he would acknowledge no other authority than that of the military.

It appeared further in evidence that, after the order made by the Judge for the issuing of the habeas corpus, and after he had been informed by Mr. Morel that it would be returnable the next day at 11 o'clock, the Judge to be arrested by an armed party, by an order to Colonel Arbuckle, commandant of the barracks, where he was confined for a week ; (here the General observed the order was to arrest Dominick A. Hall, and not the Judge.) Judge Hall observed that he was District Judge at that time. The Court then said it was unnecessary to expatiate on the evil tendency of such conduct. It must appear to every one, those acts amounted to a contempt ; they openly insulted the authority of the Court, and the person of the Judge ; they tended to obstruct the course of justice. If, said Judge Hall, the process of a Court may be treated with disrespect, and the Judge be imprisoned at the will of a military chief, all that respect and regard so essential to the administration of justice, is gone, and his authority, so necessary to the good of the community, is entirely lost among the People.

The Judge then observed, that he was about to perform one of the most unpleasant duties of his office. That while on the one hand he viewed the greatness of the offence, on the other he could not forget the great and eminent services rendered to the General : that he was induced from this consideration, not to make imprisonment any part of the sentence : that the law must be satisfied ; that the only question was, whether the law should bend to the General, or the General to the law ; that he the Judge, could not for a moment hesitate ; he pronounced the judgment of the Court to be, that General Andrew Jackson should pay a fine of one thousand dollars to the United States. The General paid the fine, and was discharged.

There are, however, other circumstances to which I will call your attention. On the 6th March, Gen. Jackson wrote to Gen. Lambert to apprise him that he entertained no further doubts as to the ratification, by the President and Senate, of the treaty of Ghent ; and proposing a suspension of hostilities. If the date of this letter be compared with those of the orders issued for the imprisonment of Mr. Dick and Judge Lewis, you will come to the conviction that, had he condescended to devote a few hours to the examination of this important affair ; had he assembled his friends and counsellors, to deliberate and advise with them ; it is probable that he would have received the ratification of the treaty of peace before the orders could be signed for these arrests, which stand unparalleled in our annals. You will think with me, that the precipitation and violence with which he acted on this occasion, are incompatible with the moderation and wisdom which ought

to characterize the Chief Magistrate of a free people, and the ruler of a powerful commonwealth, holding a rank in the great family of civilized nations.

The citizens of the United States, and the freemen of all countries will venerate the memory of Judge Hall. The weak always found near him a refuge against the encroachments of dictatorial power. He knew how to avenge the Constitution and laws of his country, violated by a victorious and powerful soldier. Let this sublime example of firmness and independence which he has bequeathed to his successors in the magistracy, be ever respected and honoured.

The most praiseworthy and pure motives guided my pen, when, on the 3d March, I opposed the banishment of the French residents. My conscience is at peace—and my reason tells me that I may have been guilty of imprudence; of an imprudence, which in time of war may become a crime, in consequence of the disasters and public misfortunes that may flow from it. I leave it to you, fellow-citizens, to determine whether, on the 3d March, such an imprudence could be committed. Admitting for a moment, that the Court Martial appointed for my trial had found me guilty, and pronounced my sentence of condemnation; I do not hesitate to say that the day of my condemnation would have been a day of mourning for the inhabitants of New-Orleans, where the uprightness of my intentions was so well and generally known. In expressing this opinion, I am fully aware of the meaning of the words I have spoken; and although we are divided in opinion as to the Presidential question, and many of us are infatuated by party spirit, I feel almost certain, that not a single voice among my cotemporaries will gainsay what I have stated.

LOUIS LOUALLIER.

A dispassionate perusal of the preceding article must satisfy every candid reader, that General Jackson is utterly unfit to be intrusted with the first office in the gift of a free people. It will be recollected, and it cannot be too often repeated, that he imprisoned Mr. Louallier, a patriotic member of the Louisiana Legislature, long after the British had been driven from our soil, and the treaty of peace known to have been signed—that he imprisoned Judge Hall for granting the writ of Habeas Corpus to bring up the body of Louallier, which writ he was bound by his oath to grant to the most humble citizen in the nation—that he imprisoned Mr. Dick, the U. States District Attorney, for issuing the writ; and that he issued an order to imprison Judge Lewis, who had been applied to for the writ of Habeas Corpus in favour of Judge Hall.

No military commander in England, under similar circumstan-

ces, would have dared to commit such an outrage; and if one had been found sufficiently despotic to have attempted it, the government would have ordered him shot to death, or the people would have immolated him. Even in Ireland, that unfortunate and oppressed country, whose green fields have been encrimsoned with the gore of her gallant and patriotic sons, the writ of Habeas Corpus, when issued, has been respected by the military. Amid the throes and convulsions of that people, in their darkest hour, the voice of history directs us to a period, where the power of the civil over the military authority is proudly recorded. We quote it, that the reader may compare the conduct of the British General *Craig*, with that of General *Jackson*—and let him, if he can, refrain from trembling for the liberty of his country, if that liberty is once in the power of a Military Chieftain, with opinions and passions similar to Mr. Jackson's.

At the time when the French were about to invade Ireland, when the whole interior of the country was in a state of revolution, and all her frontiers and coasts under martial law, one of the French frigates, having on board troops for Ireland, was captured by Sir John Borlase Warren: among the officers, was Gen. Theobald Wolfe Tone, an Irishman by birth, who was sent to Dublin, tried by a Court Martial, and sentenced to death. The historian who records the event, adds—

“It occurred to his (Gen. Wolfe Tone's) counsel, that the jurisdiction of martial law could not extend to him, as it only operated on land, and he had been taken at sea. An application was therefore made to the Common Pleas, to have him brought up by Habeas Corpus, in order (the point being ascertained) to be regularly tried before the competent tribunal, the Court of Admiralty. The Habeas Corpus being granted, was served on Gen. Craig, who then commanded in Dublin, but who refused to obey it, and was attached for his disobedience, an order being consequently made for the General and some of his staff to be taken into custody by the officers of the Court.

“The Court having ordered Gen. Craig, and Major Landys, (provost martial) to be arrested for disobedience, both the gentlemen submitted, and the pursuivant was then directed to bring up the body of T. W. Tone on the writ of Habeas Corpus, &c.”

[See Barrington's Sketches, Vol 1. p. 169.]

Here is, indeed, a proud triumph, in the midst of internal war, invasion, &c., of the *civil* over the *military* power. But to pursue the comparison is too sickening for the heart of an American.

THE EXECUTION OF SIX MILITIA MEN; AMONG THEM A BAPTIST MINISTER.

The following is a clear and simple statement of the facts in the case of the cruel and unlawful execution of six Militia men, after their term of service had expired. They were all respecta-

ble citizens of Tennessee, and one of them, the unfortunate Harris, a clergyman of the Baptist denomination. Not a doubt can be entertained that they were hurried unlawfully out of life, with no circumstance to justify the cruelty, haste, and injustice of the procedure.

THE SIX MILITIA MEN.

The law and the facts which relate to the execution of the six militia men by order of Gen. Jackson, after their term of service had expired, appear to be imperfectly understood by some, and those who are employed to whitewash Gen. Jackson have taken advantage of this defectiveness of knowledge, to involve the public mind in a deeper mist of error on this subject. It is time that these outrages on truth, and these abuses of public confidence, on the part of those who rely on falsification and mystery for the attainment of their ends, should be met and corrected; and that the people should be put in possession of a simple and accurate statement of the whole affair.

For the purpose of producing a clear conception of the subject, we first of all quote the charge itself, as it is given in the report of Gen. Jackson's Nashville Committee, dated April 25, 1827. "He is charged with having caused the execution of six militia men, for crimes committed after their term of service had expired."

The conviction of the men for "mutiny" and "conniving at mutiny," by a court martial composed of three regular members and two supernumeraries, and their execution, are established by extracts certified by Andrew J. Donnelson, "copied from the *original* proceedings of the Court," which he had received from "Col. Robert Butler, late Adjutant General of the Southern Division," and by the order issued by the command of Gen. Jackson on the 22d of January, 1815, for the execution, four days after its promulgation at Mobile. Of these proceedings there is no trace on the records of the War Department, (the only document filed there being the general order above referred to,) although the Articles of War expressly provide that the proceedings of courts martial shall be transmitted to the Department for preservation.

Instead of being thus transmitted, we find the proceedings in the hands of one of the family of Gen. Jackson, a circumstance which at once proves the violation of the Articles of War, and warrants the inference that such violation was risked to preserve the character of Gen. Jackson from the effect of any future investigation.

The *cruelty* of the act could only be met by palliatives, and these have been plentifully, but very unsuccessfully, administered

by the editors of the General; but the *illegality* of it has been encountered by a direct denial. The editor of the Telegraph at once hazarded the declaration "that the Tennessee militia were mustered into service for six months." In order to test the legality of the act, we proceeded to a statement of the several laws relating to the militia when called into service.

The law which provides "for calling forth the militia," and which has never been repealed, bears date Feb. 28, 1795, and the 4th section of this law declares—

"That no officer, non commissioned officer, or private, of the militia shall be compelled to serve more than three months after his arrival at the place of rendezvous, in any one year, nor more than in due rotation with every other able bodied man of the same rank in the battalion to which he belongs."

A law, temporary in its operation, and enacted for a special purpose, was passed on the 10th of April, 1812, authorizing "a detachment from the militia of the United States." This law authorized a requisition upon the Governors of the several States, for their respective proportions of one hundred thousand militia, officers included. The third section of this act, which has been quoted by the editor of the Telegraph as the guide of the conduct of Gen. Jackson in Jan. 1815, runs thus—

"And be it further enacted, that the said detachment shall not be compelled to serve a longer time than six months after they arrive at the place of rendezvous."

The ninth section of the same act runs thus—

"Sec. 9. And be it further enacted, That this act shall continue and be in force for the term of *two years from the passing thereof, and no longer.*"

The act consequently expired according to its own limitation on the 10th of April, 1814. It was never re-enacted, nor was a provision similar to that contained in the third section, and relied on by the Telegraph to establish the legality of Gen. Jackson's conduct, included in any subsequent law.

From the 10th to the 18th of April, 1814, there was no law providing for calling out the Militia but the act of 1795, to which we first referred.

On the 18th of April, 1814, the act "in addition to the act" of February, 1795, was passed. By the 8th section of this law it is enacted—

"That the militia when called into the service of the United States by virtue of the before recited act, [the act of 1795. which limits the term of service to three months,] may, if in the opinion of the President of the United States, the public interest require it, be compelled to serve for a term not exceeding six months after their arrival at the place of rendezvous in any one year."

The above facts will satisfy the reader that a body of militia, called into the service after the 10th of April, 1814, could not be

subject to the law of 1812 on which the Editor of the Telegraph relies for the acquittal of Gen. Jackson from the charge of an illegal execution of the militia men. The order under which the regiment to which Harris and the other militia men executed, was called out, is as follows :

May 24, 1824.

Brave Tennesseans of the 2d Division — The Creek war, through the Divine aid or Providence, and the valor of those engaged in the campaign in which you bore a conspicuous share, has been brought to a happy termination. Good policy requires that the territory conquered should be garrisoned, and possession retained until appropriated by the Government of the United States. In pursuance of this policy, [to garrison and retain possession of the Territory,] and to relieve the troops now stationed at forts Wilbams, Strother and Armstrong on the Coosa river, as well as Old and New Deposit, I am commanded by His Excellency Governor Blount, to call from my Division one thousand men in the service of the United States, for the period of six months, unless sooner discharged by order of the President of the United States.

The Brigadier Generals, or officers commanding the 4th, 5th, 6th, 7th, and 9th Brigades of the 2d Division, will forthwith furnish from their brigade respectively, by *draft or voluntary enlistment*, two hundred men, with two captains, two first, two second, and two third lieutenants, and two ensigns, well armed and equipped for active service, to be rendezvoused at Fayetteville, Lincoln county, in the State of Tennessee, on the 20th of June next ; and there be organized into a regiment, at which place the field officers and muster-master will be ordered to meet them.

Officers commanding the brigades composing the 2d division of Tennessee militia, are charged with the prompt and due execution of this order.

ANDREW JACKSON, *Major General,*
Commanding 2d Division, T. M.

It will be seen that the terms in which this order is expressed, proves that Gen. Jackson was himself ignorant of the law. His calling out of the militia on the 24th of May, 1814, "*for the period of six months,*" was itself a violation of the law. After the tenth of April, 1814, the militia could not be *called out* for a longer term of service than three months. No State authority could, under any circumstances, require them to serve for a longer period. The President of the United States only was authorized by the law, if, in *his* opinion, the public interest required it, to *retain* them in service for more than three months ; and any attempt to compel them to serve for a longer period, without the special order of the President, was illegal. There was no such order. The Editor of the Telegraph says :— "*We knew that no such order existed.*" How did he know this, but from Gen. Jackson himself ?

We must again refer to the order of General Jackson calling out these militia, in order to show that the great stress laid by his defenders from this charge of illegal execution, on the alarming state of the country, the necessity of making a stern example in order to preserve the discipline of the troops, *in the presence of a powerful enemy*, and the urgency of the occasion, which rendered it indispensable that these men should be in the field is merely the high colouring of fancy, and is not supportable in point of fact. These militia were called out merely to garrison and retain possession of the territory conquered from the Creeks, "*until appropriated by the government,*" and to relieve the troops then in garrison. This fact removes another of the grounds on which the severity of Gen. Jackson, in this instance, has been justified, and converted into a positive merit.

As the sole object of this article is to furnish the public with the materials for an accurate judgment as to the legality or illegality of the conduct of Gen. Jackson, we shall close it with a brief and simple condensation of the points which are deducible from the facts we have stated.

1st. It is clear, from the order of Gen. Jackson, that the regiment of militia to which Harris and his fellow sufferers belonged, was directed to rendezvous at Fayetteville on the 20th of June, 1814.

2dly. No officer, non-commissioned officer, or private, attached to that regiment, could be required to perform duty in it after the 19th of September, 1814, unless they were commanded to do so by an order from the President; and it is not now pretended that any such order was given.

3dly. That the phrase in that order which called the militia out "for the period of six months," was illegal, as it was founded on a law which had expired on the 10th of April preceding, and was in violation of the then existing law, which gave to the *President of the United States* only, the authority to extend the term of service beyond three months.

4thly. That therefore, they from whom the order emanated, were ignorant of the law, while the officers and privates tried, convicted and punished, in consequence of that ignorance, had not violated any law leaving the ranks to return home, and could not therefore be guilty of "mutiny," or "conniving at a mutiny," having changed the character of soldiers, for that of citizens.

5thly. That the trials, convictions, and executions of the six militia men, and the disgraceful punishment of shaving the heads of nearly two hundred more, were therefore illegal.

6thly. That the article of war which provides that the proceedings of Courts Martial should be transmitted to the War Department, was violated by the retention of the proceedings in this case in the hands of Gen. Jackson, or one of his military family. by which means, the Nashville Committee only has had access to them.

We deem it unnecessary to offer any additional comments. The reader will form his own opinion from the facts which we have here furnished.

Letters of Castigator, in relation to the Execution of a Baptist Minister.

To the Reverend "EZRA STILES ELY." Pastor of the Third Presbyterian Congregation in Philadelphia.

No. I.

Sir—When a minister of the Gospel of Jesus Christ, of whatever denomination, pronounces from the sacred desk a political sermon, and pollutes the pure waters of religion with the poison of party spirit, a decent regard for the sanctuary which is thus profaned, forbids to the unwilling listener any public demonstration of the contempt he may feel for the taste of the preacher, or of the abhorrence with which he may regard this perversion of the clerical office. Should this "professed ambassador of Christ," however, throw off the mantle with which a salutary opinion has invested all who bear that character, and enter the lists of newspaper discussion under his own proper name, he must not expect to escape the same measure of animadversion, which men with less pretensions to holiness, are accustomed to meet in the war-

fare of the press; and he may be sure that the motives which prompted to silent contempt of the party *preacher* will not interfere to prevent a thorough examination and exposure of the party writer. Had you therefore, sir, contented yourself with eulogizing General Jackson from your pulpit, had you confined your party declamation to the ears of your congregation, I should probably have left it to them to settle the account with you, satisfied that such an abuse of the house of God would bring down its own sufficient punishment. You have thought proper, however, to come forth from the pulpit to the press; you have descended to the level of laymen like myself; you have thereby invited political discussion, and I promise you, reverend sir, that you shall have enough of it before we part. I have but little hope of bringing you to an acknowledgment of error; but for your guidance in future, and as an example to other ministers of Him, 'whose kingdom w s not of this world,' it is my intention to offer a few salutary hints touching a late extraordinary production of your pen.

You must be aware that I allude to your letter to the Editor of "The Philadelphian," bearing the date of June 30th, 1827, and which appeared in that respectable journal on the 6th inst. and has, since, been copied into other papers. It has so happened that I did not meet with the article until this day; and as it may be new to most of the public I here insert an extract from it.

From the Philadelphian.

General Jackson and the Baptist Preacher again.

Mr. Editor.—Your extract from the *Columbian Star*, inserted in the last *Philadelphian*, would lead a stranger to General Jackson to suppose, that he would speak sneeringly of the ambassadors of Christ, the ministers of the gospel. Permit to assure you, that general Jackson is a friend and supporter of christianity, and that no man treats those who may lawfully claim to be ministers of Christ with more respect. This is true of every denomination of Christian ministers; but if he abhorred the conduct of a "professed ambassador of Christ," who proved himself unfit to live in civil society by committing such crimes as the Divine Lawgiver of Israel punished with death, who will blame him?

The editor of the *Columbian Star* feels indignant that Gen. Jackson should have classed *Mr. Harris* with the Baptists. What if he did say "that one Harris a Baptist preacher was at the head of the mutineers?" This does not impeach the respectable denomination of Baptists. They do not receive to their fellowship every preacher who advocates immersion: and yet every such person might with propriety be called a Baptist preacher. I once heard in the vicinity of Gen. Jackson's residence, a Baptist preacher who was a Socinian, a downright blockhead; but be-

cause this man held the peculiarities of the Baptists on the subject of baptism, it did not follow that he was associated with the great body of Baptists in the United States.

Philadelphia, June 30, 1827.

EZRA STILES ELY.

Now, Rev. Sir, I propose to examine this extraordinary production in detail—and though I assure you I shall not judge it in the same spirit with which in some of your recent publications you have scattered damnation among your fellow-citizens of other creeds, it will be treated with perfect freedom and more respect than it intrinsically deserves.

In the first place, permit me to inquire upon what authority you have undertaken to assure the editor of the "*Philadelphian*," that "Gen. Jackson is a friend and supporter of Christianity?" or rather, let me ask what meaning you give to the term "Christianity," which you have used in the sentence? If you wish to be understood as avowing that the General is a member of your particular denomination since he became a candidate for the Presidency, I would only remark, that it would have been well for you to give your meaning a little more distinctness. If, however, the "Christianity" you mean is that which our blessed Saviour describes as "bringing forth good fruit," I take the liberty to ask, upon which of the various works of General Jackson you found your "assurance" of his "friendship and support of Christianity?" Is it on his reverential regard for the marriage bed; or his aversion to "blood and carnage;" or his abhorrence of duelling; or his "tender mercies" towards the militia; or on his scrupulous submission to the civil authorities of his country?

Have you derived your knowledge of General Jackson's Christian character from the records of the Kentucky Court, from the letter of Mr. Senator Benton, from the proceedings of the Court Martial on the six militiamen, or from his official letters on the subject of the Creek war, in which the object of your peregrine boasted of "exterminating" a whole nation of men, women, and children, "*in style*?" (I use his own words.)

If these are not the features of the General's character which authorize you to assure us that he is "a friend and supporter of Christianity," it would be well for you, reverend sir, to edify the public by informing us of the particular claims he possesses to this eulogium. If you can indicate no others than those I have mentioned, I can only say with St. Paul, "I have not so learned Christ."

"No man," you say, "treats those who may have lawful claim to the ministrations of Christ with more respect." I know nothing, and I believe the public knows nothing, of Gen. Jackson's treatment of Christian ministers, except what has been developed respecting Mr. Harris, the Baptist minister, whom he caused to be shot to death, and of whom I shall have something to say presently. But your assertion is that he treats "lawful" ministers with respect, and you carefully confine your guaranty to this class. It is desirable therefore that we should know what evidence or authority you recognize as sufficient to constitute a "lawful minister." If, as I suspect, you mean to exclude that highly respectable portion of our fellow-citizens, the ministers of the Baptist and Methodist and Quaker denominations, who on other days than the Sabbath, pursue an honest and creditable calling for their livelihood, then your list of "lawful ministers" will be confined within a comparatively narrow limit, and it will be easy to understand why you justify General Jackson in shedding the blood of John Harris the Baptist preacher.—This is the substance of your next sentence, but as it is too important to be slightly treated, I shall reserve it for a distinct letter. In the mean time I recommend to your study and meditation Proverbs xvii, v. 13.

CASTIGATOR.

No. II.

SIR—I resume the examination of the letter you have thought proper to address to the Editor of the “*Philadelphian*,” under your personal signature, vindicating the conduct of Gen. Jackson, in ordering to be shot to death a minister of the Baptist denomination. It is with pain, I do assure you, that I approach this part of your letter, because I have been accustomed to regard with respect all the teachers of a gospel of peace and truth; a sentiment which, I am afraid, few will be able to entertain for you after reading your condemnation of JOHN HARRIS, and comparing it with a true statement of the case. You affirm in substance in the third sentence of your letter, that Gen. Jackson is not deserving of blame for his proceedings towards this “*professed ambassador of Christ*,” because he “*proved himself unfit to live in civil society, by committing such crimes as the Divine Law-giver of Israel punished with death*.” Now, reverend sir, when you penned this solemn averment respecting a fellow citizen and a fellow preacher of the word of God, who had fallen a victim to military violence, and whose lips were thus forever sealed for this world, you must either have “*sinned against the light*” of unquestionable FACTS, or in your zeal to chaunt hosannas to “*the friend and supporter of christianity*,” you have most unpardonably neglected to make yourself acquainted with those all important facts, which unfortunately for you, and your military idol, are matters of AUTHENTIC and OFFICIAL RECORD.—I care little on which of these rocks you may choose to make shipwreck of yourself. Whether you libel the memory of John Harris in defiance of facts, or because you choose to shut your eyes to the evidences of them, is of very little importance in weighing your personal merits. It is important however, for the interests of truth, of religion, and of our hitherto unspotted country, that the statements contained in your letters should not be suffered to make an impression on any portion however small of the community. It is for this purpose that I shall proceed to compare your vindication of General Jackson with the FACTS of the case, every one of which I am ready to prove by authority and evidence which I am sure you will not dispute. I shall first give you a brief statement of facts.

JOHN HARRIS, a citizen of Tennessee, and the father of NINE CHILDREN, a member of the religious society of Baptists, and a preacher of the gospel of Jesus Christ, according to the doctrines of that denomination, having become involved in some pecuniary embarrassments, and seeing little prospects of earning a subsistence for his family, in consequence of the pressure of the war, determined, (although past the legal age) to hire himself as a sub-

stitute for a person named Sherrill, who had been drafted to perform a tour of duty in the militia for THREE MONTHS—*That the tour of duty was for only THREE months* is as certain, reverend sir, as that our Governor is elected for a period of three years.

Consequently Sherrill could have been compelled to serve three months *only*, and John Harris taking his place, you must admit could not legally be compelled to serve longer, unless the circumstance of his being “a Baptist preacher” so pointedly relied on by your friend General Jackson, is sufficient to create a distinction unfavourable to him. As the laws of our country, however, recognise no difference of rights between a Baptist and a Presbyterian Preacher, I think I am safe in assuming that John Harris was liable only to THREE months duty. *That* duty began on the 20th of June, 1814, the day of their rendezvous; immediately after which they were marched to Florida; and during the whole of the three months tour John Harris conducted himself as became a citizen, a soldier, and a Christian. I speak now from the testimony of witnesses examined against him on oath.

According to the most approved systems of arithmetic, reverend sir, a three months term of duty commencing on the 20th of June, would expire on the 20th of September, in the same year. About the 20th of September, therefore, John Harris, who it may be supposed felt some anxiety to revisit his wife and *nine* children, began to make arrangements for returning home. His officers informed him that there was no law which compelled militia to serve more than three months.

Now, Rev. sir, I beg your particular attention to these dates, in order that you may bear them in mind, and that you may compare them with the evidence given on the trial. And lest any one should suppose that the report of this trial is a garbled or partial statement, got up to injure your friend General Jackson, it is right, reverend sir, that you should be reminded of the important fact, that *every syllable with which we have been favoured of the evidence given on the trials of the militia men, is derived from a circular letter published by the particular friends and advocates of the General.*

From their own showing, then, it appears, that the *ONLY EVIDENCE* given in support of this specification was, that John Harris did, on the 19th of September, set down on a piece of paper the names of such as were desirous of returning home, in order that they might all obtain their provisions at the same time; and on the succeeding day, his three months’ tour being over, he left the camp in company with a number of others, to return to Tennessee. *This was the only mutiny proved to have taken place at the time specified in the charges.* In his defence, it was clearly

established that he dissuaded others from going, that the list of names was made out to be handed to his colonel, that he had been advised by his officers that he was not bound to serve longer than three months, and that he had previously conducted himself like a good and conscientious man, and like an obedient and orderly soldier. ALL THIS AVAILED NOT, however. He was condemned to die, and on the 22d of January, 1815, GEN. JACKSON ordered John Harris to be shot to death in four days after the promulgation of the order—yes, reverend sir, *four days only* given to the father of *nine children* to arrange his earthly affairs; four days only were allowed to the minister of the Gospel for preparing himself to meet his Redeemer. At the end of the four days, he with five other militia men whose term of service had expired, were shot to death by a company of soldiers, under the orders of General Jackson. Their blood crimsoned the log upon which they were seated, but like Abel's, reverend sir, its voice cries aloud from the ground, and will be heard and heeded on a day when you, and I, and General Jackson, and poor Harris will all stand together before an impartial and omniscient Judge.

Such are the FACTS respecting the trial and execution of John Harris; and now, reverend sir, I come to speak of your charges against the unfortunate man. I cannot believe that after the full development that has appeared in the newspapers, you *could* have been ignorant of the facts.—I ask you then in the name of that religion of which you are a minister, in the name of that charity, without which St. Paul says faith is nothing worth, how you can reconcile it with the precepts of that religion and the impulse of that charity, to sear the memory of John Harris with the reproach that he “proved himself unfit to live in civil society?”

Upon what foundation, reverend sir, have you built your allegation that John Harris committed “such crimes as the Divine Lawgiver of Israel punished with death?” Your vocation ought to have made you familiar with the precepts and injunctions of the Jewish Code, while at the same time it was especially incumbent upon you not to lessen the public reverence for the Holy Scriptures, by citing them as authority for the commission of outrage and oppression. I ask you, then, reverend sir, in what part of the decalogue, nay, in what part of Scripture, Old or New, you find it set down, that a man who has performed the services required of him by the law of the land, may not return home at the expiration of his term of service, even against the will of his commanders, under the penalty of death? I desire, as one of this Christian community, to be informed of the crimes which John Harris committed, and which “the divine lawgiver of Israel punished with death;” because, if by any possibility your friend General Jackson should be elevated to the station of President of the United States, and “commander in chief of the army and navy,” it will be important to all of us who are liable to be called out in the militia to ascertain the extent of our rights and prospects. If under the laws of the United States, I should happen to be drafted for three months, and at the expiration of that term be compelled to serve another term of three months under the penalty of incurring the fate of John Harris, and of having my memory branded by some pliant priest, as a violator of the “Divine Law;” if such things are to be, it needs no gifts of prophecy to assert that the days of the republic are numbered. Church and state, indeed! with General Jackson for President and “a professed ambassador of Christ” to back him in his usurpation, and to denounce the awful penalties of the divine law upon all those who have the courage to resist oppression, especially if these rebels should happen to be “*Baptist Preachers*,” what an admirable system of politico-theological despotism should we be favoured with!

Of all "the signs of the times," reverend sir, I see none so portentous as your vindication of General Jackson by the aid of the divine law.

No. III.

SIR—It was the remark of a very accurate and profound historian, that religion has always been most prosperous and influential in those countries in which she had the least intercourse with politics. The soundness of this observation has been strikingly verified by the history of Pennsylvania. Religion has appeared among us in her native and virgin purity; unpolluted by early attachments, uncontaminated by alliances with potentates or powers, party leaders, or military chieftains. Our ministers of every denomination have, with very few exceptions, and with a degree of modesty and good sense highly honourable to them, abstained from entering the political arena, and have thereby obtained for themselves and for the gospel they propagate, a justly powerful influence and consideration. It was reserved for you, reverend sir, to be the first "to put rancour in the vessels of our peace," to set the example of prostituting religion to party purposes, and of invoking the divine authority to justify the excesses of a lawless commander. You enjoy the unenviable distinction of being the only clergyman in the field, as you certainly deserve the praise—such as it is—of appearing in the tourney with your vizor up. I doubt, however, reverend sir, whether you have calculated the cost and the consequences of thus enlisting yourself in the Jackson crusade. You know where it is written, "that they who have sown the wind shall reap the whirlwind;" but perhaps you have yet to learn, that in this country, men's minds are not to be driven to and fro, in political matters by "every wind of doctrine" that may be puffed forth from the priestly bellows. When the late Emperor Napoleon first conceived the design of rendering himself the absolute sovereign of France, he affected an earnest regard for the interests of religion, and of the gospel; and it was especially remarked by this military chieftain, that he "reverenced and esteemed the *real* ministers of the gospel," and "when opportunity presented waited on their ministrations in the most serious and respectful manner."

On the other hand, certain of these "*real* ministers" lent their aid and assistance to his schemes of ambition and tyranny, and there was never wanting some "lawful" ambassador of Christ to vindicate his most sanguinary and unjustifiable measures, on the authority of "the divine law." We all know the result—I make no application of this historical fact. *If* there be any military chieftain in this country, who affected an outward regard for any particular denomination with the view of advancing his designs upon the chief magistracy; and *if* there be any artful and ambitious priest, who to favour these views, would press religion into his service, and "cite scripture for his purpose," they mistake the character of this people. **THE ATTEMPT, reverend sir, WILL FAIL OF EFFECT.** Neither letters nor sermons, nor any other species of clerical influence, will be able to advance one jot the cause of the General, or hide from the eyes of the people the deformities of his political and moral character. At all events some other modes of defence must be resorted to by his advocates than such as you have employed on the present occasion. Greater hardihood I admit, could not have been displayed by Cobbet, and the indifference you have manifested with respect to the **FACTS**, would have done credit to the Editor of the New York Enquirer. I can go no lower for comparisons.—But then, reverend sir, a political writer by trade would at least have adhered to probability. He would

have avoided such a statement as that "General Jackson is a friend of Christianity," because he would have disliked to produce a smile on the faces of his own colleagues; and he would hesitate long before he made the direct assertion that John Harris "committed such CRIMES, as the divine lawgiver of Israel punished with DEATH," because he would be aware that exposure, and consequently an injury to the cause, would be the inevitable result.

Now, reverend sir, let me recapitulate in the briefest manner your charges, and their obvious answer.

You have *asserted*

1. That John Harris, the Baptist minister, "proved himself unfit to live in civil society."

2. That he "committed such crimes as the divine lawgiver of Israel punished with death."

I have *PROVED*

1. That John Harris' only "*crime*" was the returning home without leave, to his wife and NINE CHILDREN, after having faithfully and honourably fulfilled the whole term of duty that he was bound in law to fulfil; his commander having no right to refuse him leave.

2. That he was tried by a Court Martial, illegally called by Gen. Jackson, and illegally organized.

3. That he was shot to death by order of General Jackson, in company with five other militiamen; having had only four days to prepare themselves for the awful change.

And you have been called upon to point out the passage in the divine law, in which the penalty of death is denounced upon such actions as those proved against Harris. The call will be a fruitless one. You may "search the scriptures," but you will find no warrant there to justify the outrage of military tyranny.

Your assertion, then, with respect to the character of poor Harris, has not even the semblance of a foundation. It is contradicted by the recorded and official proceedings of the Court Martial, by the evidence of the Jackson committee at Nashville, and by a recent letter of the Hon. "J. C. Isacks," member of Congress from Tennessee—and like yourself, the loyal advocate of General Jackson—who admits that Harris was beyond the legal age—that he had "a wife and nine children—had two sons grown, of whom the eldest was married, and lived near him, and the *second went into the army with him*," and that his youngest child was only four or five years old—that he was a man of some consideration, for he had been Coroner of the county, and was intimate with "intelligent and respectable men." The only charges which your coadjutor makes against him—besides the fact of desertion, which is sufficiently answered—I give in his own words, "Harris was a noisy, self-willed, bustling, bigotted man, not of dishonest character, but of irregular conduct, and rough mind and manners." This is the opinion of an interested and prejudiced partizan; but you will observe, reverend sir, that he does not denounce divine vengeance upon the Baptist preacher, nor assert that these "crimes rendered him unfit to live in civil society." This was reserved for your good sense, your christian temper and clerical charity. Your coadjutor is too prudent, indeed, to intimate that these features of Harris' character, justified the shedding of his blood. If every "noisy, self-willed, bustling, bigotted" minister deserves the fate of poor Harris, I am afraid, reverend sir, that a certain clerical apologist of the General would find himself in an unpleasant predicament, should the present harmony between them be interrupted, and

martial law be again the order of the day. Men of Jackson's temperament are very apt to regard priestly parasites with only a short-lived favour. They may be used for a purpose; but when the throne is once reached, these and all other ladders are kicked down; and upon the slightest pretence "an independent Court Martial" will be ready to convict them under the "second section," or, if that should not answer, under the rules and articles of "the Divine Lawgiver of Israel."

I leave you for the present, reverend sir, to your reflections. Party fever and sectarian rancour may for a time dull the edge of your conscience; but the period may come when you will deeply lament having violated the grave and disturbed the ashes of JOHN HARRIS.







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